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Ku-Bong Min

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35884

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EXAMINER

KEEHN, RICHARD G

ART UNIT

PAPER NUMBER

2456

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/564,848	Applicant(s) MIN ET AL.	
	Examiner RICHARD G. KEEHN	Art Unit 2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 47, 48, 51-53 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 47, 48, 51-53 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/6/10, 12/14/10, 1/24/11</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1. Claims 47, 48, 51-53 and 56 have been examined and are pending.**
- 2. Claims 1-46, 49, 50, 54, 55, 57 and 58 are cancelled.**
- 3. No new claims are presented.**

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/12/2011 has been entered.

Response to Arguments

5. Applicant's arguments, see pages 7-9, filed 01/12/2011, with respect to rejection of Claims 47 and 52 under 35 U.S.C. 112 have been fully considered but are not persuasive. Some issues were corrected, but new issues surfaced. See the rejection under 35 U.S.C. 112 below. The rejection of Claims 47 and 52 under 35 U.S.C. 112 has been maintained.

6. Applicant's arguments, see pages 7-9, filed 01/12/2011, with respect to the objection to the specification have been fully considered and are persuasive. The objection to the specification has been withdrawn.

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7. Applicant's prior-art arguments filed 01/12/2011 have been fully considered but they are not persuasive.

a. Applicant's argument that because Weast teaches the user adjusting the volume after rendering has begun does not preclude the possibility of, nor teach away from, the playing device receiving rendering information and subsequently rendering according to said rendering information. The claims require storing of a "volume value of the paused media content." It is well known in the art that all media is recorded and stored at a certain volume level and the louder or softer the recording, the louder or softer the playback unless some sort of clipping or compression is applied during playback. Therefore the media content always has a volume value stored with it. The claims do not require storing of an adjusted user setting of volume level on the playing device at the time the media is paused. Even if they did, the argument that rendering state is not being captured at pause time is unpersuasive because Weast teaches pausing in ¶ [0086]. Clearly if the rendering data is being captured, and the user can pause the rendering, it necessarily follows that the rendering data that is captured after a pause and before resume is the state of rendering at the time of pause. Nonetheless, the combination of references teaches the amended limitations as shown below. Weast explicitly discloses pausing in ¶ [0086] and that rendering data includes volume setting in ¶ [0086]. Runkis discloses pausing a movie and storing the AVTransport and rendering states, later to be retrieved to resume

playback on another device (see rejection below). Therefore the combination of references discloses the argued limitations.

b. The limitation “a volume value of the paused media content” is not supported in the specification, nor in the drawings, nor in the original claims. In fact, the only mention of volume in the specification recites “[F]or example, when a volume value of the Rendering Control service is not a basic value, the control point 210 invokes the corresponding action and adjusts the volume value.”

(Specification page 11) This sentence refers to the volume value *of the Rendering Control service*, not the media content itself. Furthermore, it shows that the rendering information stored in the server is not necessarily what is used at the playing device because, according to this passage from the specification, the control point may adjust the volume value of the Rendering Control service, and only “when a volume value of the Rendering Control service is not a basic value.” Therefore, since this is the only mention of volume, and it applies only when the Rendering Control service is not at a basic value, rather than any alleged stored volume value of the media content, there is indeed no support for a volume value of the media content included in the rendering information whatsoever, let alone “a volume value of the paused media content.”

c. Applicant’s amended claim language “the rendering state information pertaining to a volume value of the paused media content” suggests that, today, Applicant considers “rendering” to be analogous to playback, specifically including a pause function. In fact, during the interview with Attorney Lew

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Macapagal on December 1, 2010, Applicant redefined “rendering” from that previously argued by Applicant. Attorney Macapagal described AVTransport state to be the streaming status, and the Rendering state to be the point in the media data where the playback was bookmarked (captured when requested to be captured). Yet, in this application, Attorney Jonas J. Hodges argued that rendering was not playback, but rather brightness, contrast, etc. See Applicant's arguments dated 1/20/2009 on page 7, where Applicant argued “[I]nformation related to rendering states is information related to the rendering of content data, such as volume (see, for example, paragraph [0038] of the current patent application US 2007/0112932), and does not include play, stop, pause, and seek as previously discussed.” See also in this case Office actions mailed 4/14/2009, 7/20/2009 and associated Applicant arguments submitted prior to said office actions where Applicant stated “the Rendering Control services are not related with flow control. Rather, according to what is known in the art, Rendering Control services refers to display characteristics such as brightness and contrast and audio characteristics such as volume and balance” (Harry Lee submitted 7/10/2009, page 6). So does rendering refer to playback state, or does it refer to brightness, contrast, volume, etc.? Examiner has had to chase a moving target, namely the definition of “rendering” state. Using the definitions argued by attorneys Lee and Hodges, wherein rendering is said to refer to brightness, contrast, volume and balance, substituting the word “rendering” with any of these

definitions into the amended limitation “the rendering state information pertaining to a volume value of the paused media content”, yields:

- i. “the brightness state information pertaining to a volume value of the paused media content”;
- ii. “the contrast state information pertaining to a volume value of the paused media content”; or
- iii. “the balance state information pertaining to a volume value of the paused media content”;

none of which make any logical sense. You can’t “pause” brightness, contrast, volume or balance. On the other hand if, as Attorney Macapagal argues, AVTransport state refers to the streaming status of the media, capturing the streaming status on one device and attempting to set the streaming status on another device using the captured streaming status value at pause makes no logical sense either. Take for example that the first device's streaming status was at 50% when captured, and its playback status was at 25%. A pause occurs capturing the AVTransport state at 50% and the Rendering state at 25%. Now move to the second device (or even the same device after its stream cache is cleared). If the user at the second device truly wants to pick up watching the media where he or she left off at the “Rendering” status of 25%, setting the streaming status to 50% would not allow the second device to stream the content between the rendering state of 25% and 50%. Therefore, instead of continuing to watch the media at the 25% rendering state, the user can only watch from the

50% state forward because the streaming status would pick up at the 50% streaming mark. Furthermore, if “rendering” refers to the position of playback when the media is paused, how can “rendering” possibly include brightness, contrast, balance or volume? Examiner strongly recommends clarifying the definitions of AVTransport state and Rendering state on the record, and finding support for the definitions within the disclosure, then revising the claims to be consistent with those definitions. For the reasons stated above, Applicant’s arguments are respectfully traversed and found to be unpersuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 47 and 52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

d. The limitations “the rendering state information pertaining to a volume value of the paused media content”, “the rendering state information including the volume value transmitted from the playing device to the at least one control device”, and “wherein the transport state information is associated with a

streaming status of the media content and is used by an audio/video (AV) transport service” are not supported in the specification, nor in the drawings, nor in the original claims. In fact, the only mention of volume in the specification recites “[F]or example, when a volume value of the Rendering Control service is not a basic value, the control point 210 invokes the corresponding action and adjusts the volume value.” (Specification page 11) This sentence refers to the volume value of the Rendering Control service, not the media content itself. Furthermore, it shows that the rendering information stored in the server is not necessarily what is used at the playing device because, according to this passage from the specification, the control point may adjust the volume value of the Rendering Control service, and only “when a volume value of the Rendering Control service is not a basic value.”. Therefore, since this is the only mention of volume, and it applies only when the Rendering Control service is not at a basic value, rather than any alleged stored volume value of the media content, there is indeed no support for a volume value of the media content included in the rendering information whatsoever. Also, the disclosure is silent on defining the AVTransport status as a “streaming status.”

e. The limitation “according to the set rendering state information such that the playing device renders the streamed media content using the stored volume value transmitted from the server” is not supported in the specification, nor the drawings, nor the original claims. In fact, the only mention of volume in the specification recites “[F]or example, when a volume value of the Rendering

Control service is not a basic value, the control point 210 invokes the corresponding action and adjusts the volume value.” (Specification page 11).

This passage shows that the control point, not the server, sends the rendering information to the playing device, rather than the playing device receiving rendering information from the server directly.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 47, 48, 51-53 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0243700 A1 (Weast), and further in view of US 2003/0046338 A1 (Runkis).

As to Claims 47 and 52, Weast discloses a method, and apparatus, respectively, for controlling content playback related information in a network including a server, a playing device, and at least one control device, the at least one control device being used for controlling the server and the playing device (Weast discloses the server, control point, renderer - ¶ [0020]), the server and the playing device configured in either a push mode or a pull mode (Weast discloses the push and pull modes equivalent to what Applicant calls the different and same location modes - ¶ [0052]), the method being performed by the at least one control device and comprising:

matching a protocol and a data format between the server and the playing device, the server and the playing device configured in pull mode (Weast discloses the discovery process that the control point uses to determine compatible servers and renderers - ¶¶ [0053, 0066, 0097, 0098; Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]; Weast discloses the separate control information and stream paths – Figure 1, elements 142, 144 and 146 and associated text);

requesting the playing device matched with the server in the protocol and data format to receive and render media content streamed from the server (Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]),

wherein the rendering state information is associated with a rendering status of the media content and is used by a rendering control service (Weast discloses that the control point controls the transfer of information between itself, the server and renderer

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such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]; Weast discloses the separate control information and stream paths – Figure 1, elements 142, 144 and 146 and associated text); and

wherein when the server and the playing device are configured in the push mode, both the AV transport service and the rendering control service are executed by the playing device (Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]);

transmitting, when playback of the media content by the playing device is paused, a request to the playing device to transmit the rendering state information pertaining to a volume value of the paused media content to the at least one control device (Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to

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the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]); and

requesting the server to store in the server, the transport state information transmitted from the playing device to the at least one control device, and the rendering state information including the volume value transmitted from the playing device to the at least one control device (Weast discloses the request by the control point to the server for the server to provide the media contents to the renderer - ¶ [0052]; and discloses the push and pull modes equivalent to what Applicant calls the different and same location modes - ¶¶ [0052 and 0060]; Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]),

transmitting a second command including the stored rendering state information received from the server to the playing device to set the playing device with the stored rendering state information included in the second command (Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]), and

wherein the media content is streamed from the server to the playing device and is rendered in the playing device is rendered in the playing device according to the rendering state information such that the playing device renders the streamed media content using the stored volume value transmitted from the server (Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]).

Weast does not disclose wherein the transport state information is associated with a streaming status of the media content and is used by an audio/video (AV) transport service; according to the set transport state information such that the media

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content is streamed from the paused part of the media content; the transport state information; and the transport state values included in the second command for recovering the stored playback status of streaming the media content; and according to the set transport state values. However Runkis discloses

wherein the transport state information is associated with a streaming status of the media content and is used by an audio/video (AV) transport service (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback);

according to the set transport state information such that the media content is streamed from the paused part of the media content (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback) and

the transport state information (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback); and

and the transport state values included in the second command for recovering the stored playback status of streaming the media content (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback); and

according to the set transport state values (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback).

It would have been obvious to one of ordinary skill in the art to combine wherein the transport state information is associated with a streaming status of the media content and is used by an audio/video (AV) transport service; according to the set transport state information such that the media content is streamed from the paused part of the media content; the transport state information; and the transport state values included in the second command for recovering the stored playback status of streaming the media content; and according to the set transport state values, taught by Runkis, with with controlling content playback related information in a network including a server, a playing device, and a controller, the controller being used for controlling the server and the playing device taught by Weast, in order to allow a user to resume

playback of media from where they left off instead of having to restart and search for where they left off (Runkis - ¶ [0159]).

The combination of Weast and Runkis further discloses

wherein the at least one control device performs a resuming playback operation from a paused part of the paused media content when playback of the paused media content is resumed by the playing device (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback; Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]; Weast discloses controlling rendering using sound volume information - ¶ [0086]; Runkis, at ¶ [0078] discloses a service being capable of storing the state of playback, and retrieving and rendering at a different location from the point in the rendering where playback was interrupted; ¶ [0078] discloses the rendering state being captured for the restart of rendering at another location. ¶ [0049] discloses the use of multiple PANO objects which are a superobject encompassing both software and hardware. ¶ [0065] discloses that the PANO monitors, controls and

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regulates data transfers across a network. ¶ [0073] discloses that the server in this PANO network is the central controller's database, wherein the user's preference codes are transferred as an input argument to the central controller. ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium. ¶¶ [0078 and 0097] disclose that a PANO {which can be playing device} sends user-generated data among other PANO's for purposes of controlling the user's "programming" such as the resumption information being audio and visual characteristics of playback; ¶¶ [0073-0074] disclose the request signal; Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback),

wherein the resuming playback operation comprises:

receiving the stored transport state information and the stored rendering state information from the server (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback; Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from

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the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086]);

transmitting a first command including the stored transport state information received from the server to the playing device to set the playing device with the stored transport state information included in the first command (Runkis, Page 7, ¶ [0078] discloses the user requesting to continue playback of a movie which includes the rendering state of where the user stopped watching previously and data content control of where to restart the audio and video playback content services, the resumption information being audio and visual characteristics of playback; Weast discloses that the control point controls the transfer of information between itself, the server and renderer such that it operates in either the push or pull mode wherein the control point either sets the state on the server to push the media to the renderer, or instructs the renderer to pull the information from the server to be used for rendering – ¶¶ [0052, 0047 and 0060]; and Figure 1, elements 102, 104, 106, 142, 144 and 146; Weast discloses controlling rendering using sound volume information - ¶ [0086])).

As to Claim 48, the combination of Weast and Runkis discloses the method of claim 47, further comprising

comparing the protocol and the data format between the playing device and the server to prepare a connection between the playing device and the server (Weast

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discloses the discovery process that the control point uses to determine compatible servers and renderers - ¶¶ [0053, 0066, 0097, 0098).

As to Claim 51, the combination of Weast and Runkis discloses the method of claim 47,

wherein the transport state information and rendering state information are stored in the server with identification information for identifying the stored transport information and rendering state information (Runkis at ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium identifying the user by virtue of being user-generated).

The motivation and obviousness arguments are the same as in Claim 47.

As to Claim 53, the combination of Weast and Runkis discloses the apparatus of claim 52,

wherein the protocol and the data format between the playing device and the server are compared to prepare a connection between the playing device and the server (Weast discloses the discovery process that the control point uses to determine compatible servers and renderers - ¶¶ [0053, 0066, 0097, 0098).

As to Claim 56, the combination of Weast and Runkis discloses the apparatus of claim 52,

wherein the transport information and rendering state information are stored in the server with identification information for identifying the stored transport state information and rendering state information (Runkis at ¶ [0072] discloses user-generated data files being stored in a non-volatile storage medium identifying the user by virtue of being user-generated).

The motivation and obviousness arguments are the same as in Claim 47.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These were included in a previous Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD G. KEEHN whose telephone number is (571)270-5007. The examiner can normally be reached on Monday through Thursday, 9am - 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RGK

/Salad Abdullahi/

Primary Examiner, Art Unit 2456